

Applicants : James E. Marek
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Amendments to the Drawings:

The attached sheets of drawings include changes to Figs. 1-2, 4, 9- 11, 14-15, and 18-23. These sheets, which include Figs. 1-23, replace the original sheets including Figs. 1-23. In Fig. 1, line IV-IV has been removed to be consistent with Figure 1 of provisional application serial no. 60/438,654, to which the present application claims priority and which has been incorporated by reference into the present application in its entirety. In Fig. 2, the wrench has been removed to be consistent with Fig. 2 of the provisional application serial no. 60/438,654. In Fig. 4, the shape of retaining member 28 has been amended to be consistent with Figs. 1-2 and 7-8 of the present application and Fig.4 of the provisional application. In Figs. 4 and 15, previously omitted reference numeral 32, which was in the specification as originally filed at least at page 5, paragraph [0035], but was inadvertently omitted from the Figures, has been added. In Figs. 9 and 10, the shape of retaining member 28 has been amended to be consistent with Figs. 1-2 and 7-8 and Figs. 9 and 10 of the provisional application. In Fig. 14, wrench 58 and corresponding reference numeral 58 have been removed.

In reviewing the drawings in this case, the applicant discovered some instances of two uses of same reference numeral or other reference numerals that should have been separately designated so as to more accurately depict the present invention. The following is a listing of the reference numerals that have been changed. In Figs. 9 and 10, reference numeral 50 has been changed to reference numeral 60 because reference numeral 50 was also used in connection with tab 50 in Figs. 13-20. In Fig. 10, reference numeral 44 referring to locking tab receiving aperture 44 has been changed to 43 because reference numerals 44 was also used in Figs. 9 and 10 referring to a U-shaped channel. In Fig. 11, reference numeral 42 has been changed to reference numeral 42A to distinguish bottle holder 42A from bottle holder 42 in Figs. 9 and 10 and the left bottle in the bottle holder has been extended. In Figs. 18 and 20, reference numeral 60 has been changed to reference numeral 60' because reference numeral 60 was already used in Figs. 9-10, 21, and 23. In Figs. 18-20, reference numeral 42A has been changed to reference numeral 42B because reference numeral 42A was already used in Fig. 11.

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In Figs. 18, 20-22, reference numeral 10A has been changed to reference numeral 10B because reference numeral 10A was already used in Figs. 13-17. In Figs. 21 and 23, reference numeral 42A has been changed to reference numeral 42C because reference numeral 42A was already used in Fig. 11. In Fig. 22 reference numeral 77 has been changed to reference numeral 85 because reference numeral 77 was already used in Fig. 21.

Attachments: Replacement Sheets
Annotated Sheets Showing Changes

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REMARKS

This response is to the Office Action mailed May 1, 2006.

In the Specification, paragraph [0010] has been amended to correctly describe Fig. 4 as a cross-section of Fig. 9, consistent with Fig. 4 of provisional application serial no. 60/438,654, which is the priority application of this case and was incorporated by reference into the present application. Paragraph [0025] has been amended to clarify what is depicted in Fig. 19. Paragraph [0031] has been amended to describe subject matter fully supported at least in Figures 1, 4 and 8. Paragraph [0037] has been amended to reflect the renumbering of the reference numeral associated with the locking tab receiving aperture from 44 to 43. Paragraphs [0040], [0043]-[0045] and [0047] have been amended to reflect the renumbering of former openings 50 in Figs. 9-10 and the renumbering of former openings 60 in Figs. 18 and 20 to 60 and 60', respectively. Paragraph [0041] and [0043]-[0047] have been amended to reflect the renumbering of bottle holders 42 and 42A. Paragraph [0042] has been amended to reflect the deletion of reference numeral 58 from Fig. 14. Paragraphs [0043] and [0046] have been amended to reflect the renumbering of the reference numbers associated with tool holders in Figs. 18 and 20-22. Paragraph [0046] has been amended to reflect the renumbering of channel bracket 77 to channel bracket 85.

Figures 1-2, 4, 9-11, 14-15, and 18-23 have been amended. The drawing amendments have been previously discussed herein. For a specific discussion of the amendments to the drawings, please see the "Amendments to the Drawings" section, beginning on page 13 of this paper. Claims 1-19 and 25-34 are pending in the application. Claims 20-24 have been cancelled.

Claim 1 has been amended to include a free play space in the insert receiving space. Dependant claim 3 has been amended to further limit the free play space to a thickness of about 0.1 to about 0.25 inches. Claim 12 has similarly been amended to include a free play space within the cavity. Support for these amendments appears in at least paragraph [0035], lines 3-5 and the drawings. Claim 10 has been amended to include a bottle receiving opening having circular edge portions and elongated elliptical portions. Applicant respectfully submits that support for this amendment appears in paragraph [0043], lines 2-7 and the drawings. Claim 25

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has been amended to recite further structure of the tool holder. Applicant submits that support for this amendment may be found in Claim 1 as originally filed and paragraph [0035], lines 3-5.

Claims 30-34 are newly submitted. Applicant respectfully submits that support for these new claims may be found at least in paragraphs [0032], [0035]-[0036], the figures, and original claims 1 and 3.

In the office action dated May 1, 2006, the Examiner rejected Claims 1-4 under 35 U.S.C. § 102 as being anticipated by Kalvig (U.S. Patent 3,365,761) and claims 5-9 and 25-29 obvious over the same reference. In order to establish anticipation, each and every element of the claims must be found in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). In order to establish a *prima facie* case of obviousness, three criteria must be met. M.P.E.P. § 706.02(j). Firstly, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In *Re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1998). Secondly, there must be a reasonable expectation of success. In *Re Merck & Co., Inc.*, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Thirdly, the prior art reference (or references) must teach or suggest all claim limitations. In *Re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Applicant respectfully submits that as amended Claims 1-9 and 25-29 are not anticipated by and would not have been obvious in view of Kalvig. In particular, nowhere does Kalvig teach or suggest the use of free play space within the insert receiving space between the inner and outer sections. As such, the reference does not teach or suggest all of the claim limitations, and therefore cannot anticipate nor render obvious the claims. Furthermore, Kalvig teaches away from the use of a free play space. Kalvig, on page 1, column 2, line 32, requires that the insert be “[p]ressed or clamped” between the outer and inner sections of the tool holder body. Similarly, nowhere does Kalvig teach the use of free play space of a thickness of about 0.1 to 0.25 inches thick, as recited in amended claim 3.

The Examiner rejected Claims 10-17 under 35 U.S.C. § 103 as obvious in view of Kalvig. Applicant respectfully submits that, as amended, claims 10-17 are not obvious in view

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of Kalvig. Kalvig does not teach or suggest the use of bottle receiving openings with circular portions and elongated elliptical portions. The circular portions and elliptical portions allow a circular shaped bottle or an elliptical shaped bottle to be securely retained in the bottle openings. As such, the prior art reference does not teach or suggest all of the claim limitations and thus cannot render the claims obvious. Additionally, as discussed above, nowhere does Kalvig teach or suggest the use of a free play space, as recited in amended claim 12.

The Examiner rejected Claims 20-24 under 35 U.S.C. § 103 as obvious in view of Kalvig. Claims 20-24 have been cancelled. Accordingly, this rejection is moot.

New claims 30-34 have been submitted. Applicant submits that claims 30-34 are not anticipated under 35 U.S.C. § 102 by nor would have been obvious under 35 U.S.C. § 103 in view of Kalvig. Nowhere does Kalvig teach or suggest the use of a tool holder having:

an inner section and an outer section having a top portion spaced above the inner section, a bottom portion spaced beneath the inner section, and a front portion engaging the top and bottom portions

Likewise, as discussed above, nowhere does Kalvig teach or suggest the use of a free play space, as recited in claim 31, or the use of free play space having a thickness of between about 0.1 and 0.25 inches, as recited in claim 32. Similarly, nowhere does Kalvig teach or suggest the use of barbell or 3-leaf clover shaped insert receiving spaces as recited in claim 34 and as such, would not have rendered the claim obvious.

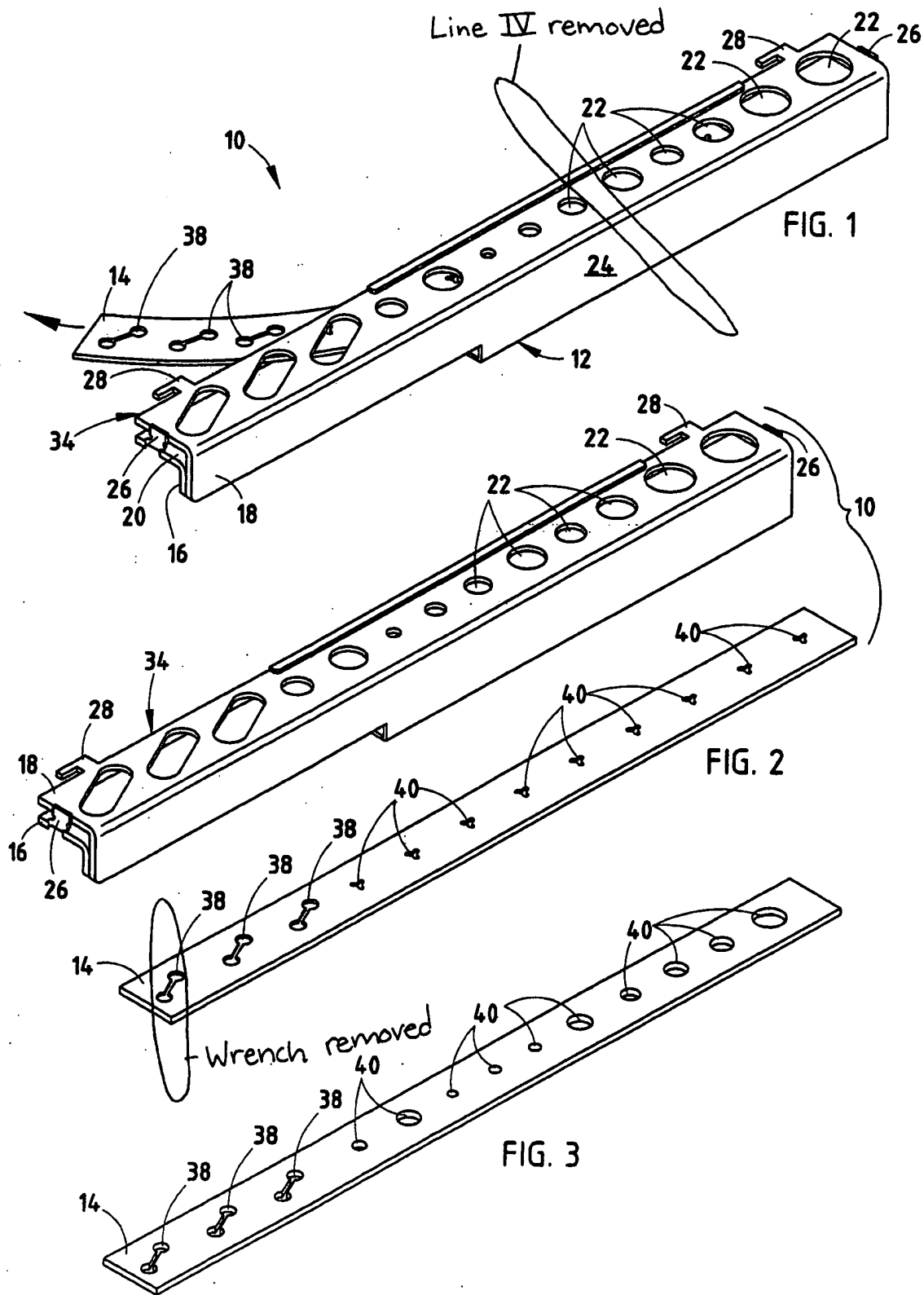
Applicant has made an effort to place the present application in condition for allowance, and a notice to this effect is earnestly solicited. In the event that there are any remaining formalities or other issues needing Applicant's assistance, Applicant requests the Examiner to call the undersigned attorney, Todd Van Thomme, at (616)-949-9610.

Respectfully submitted,

9/1/2006
Date

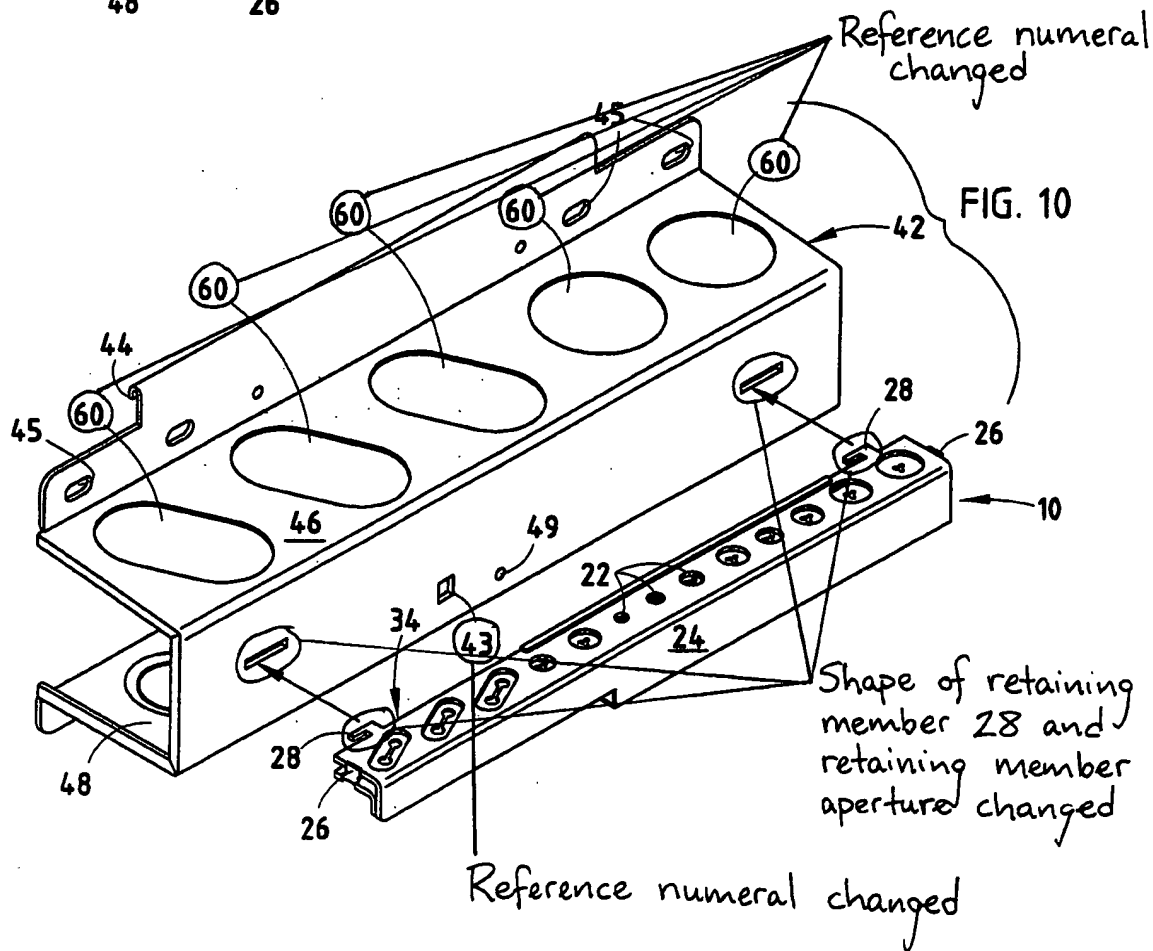
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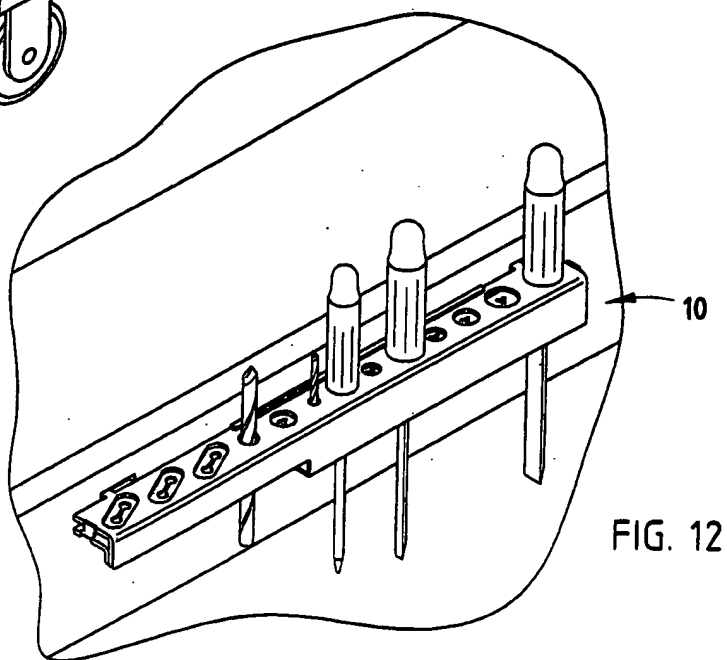
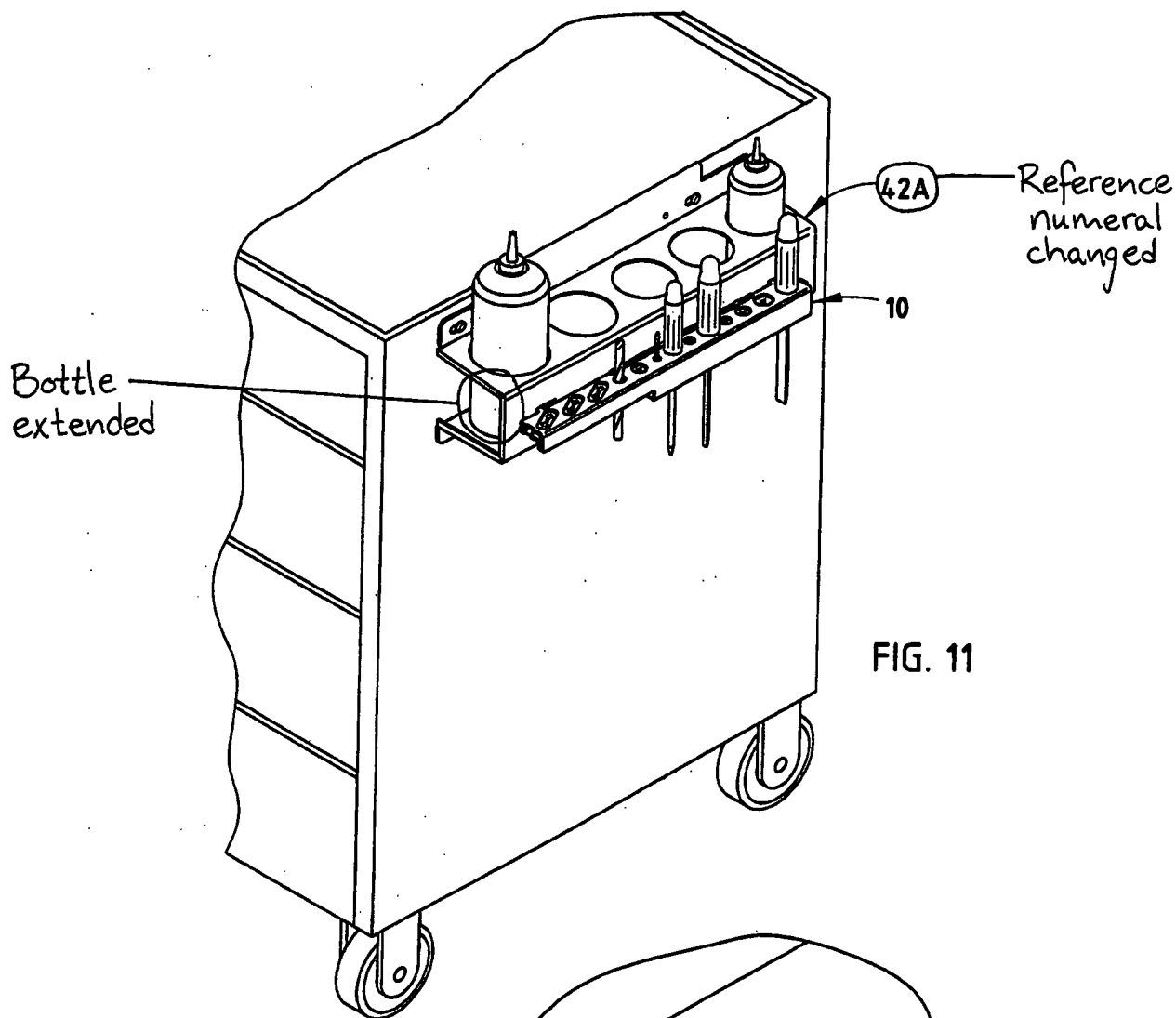
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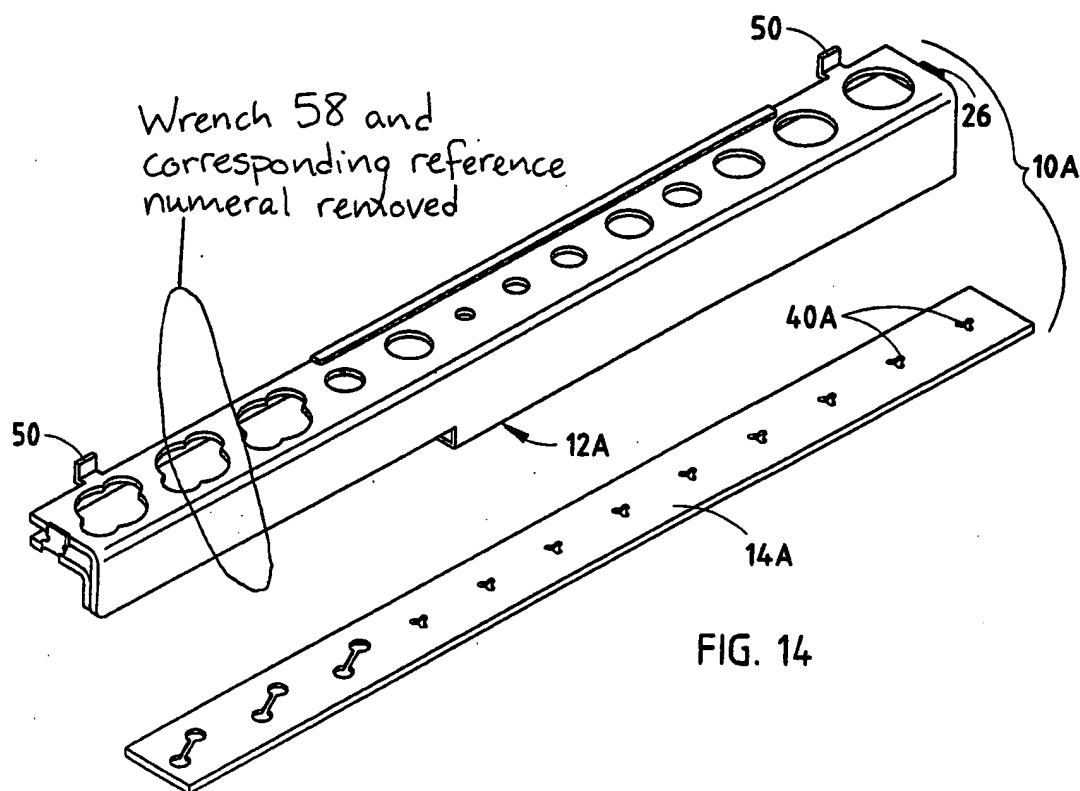
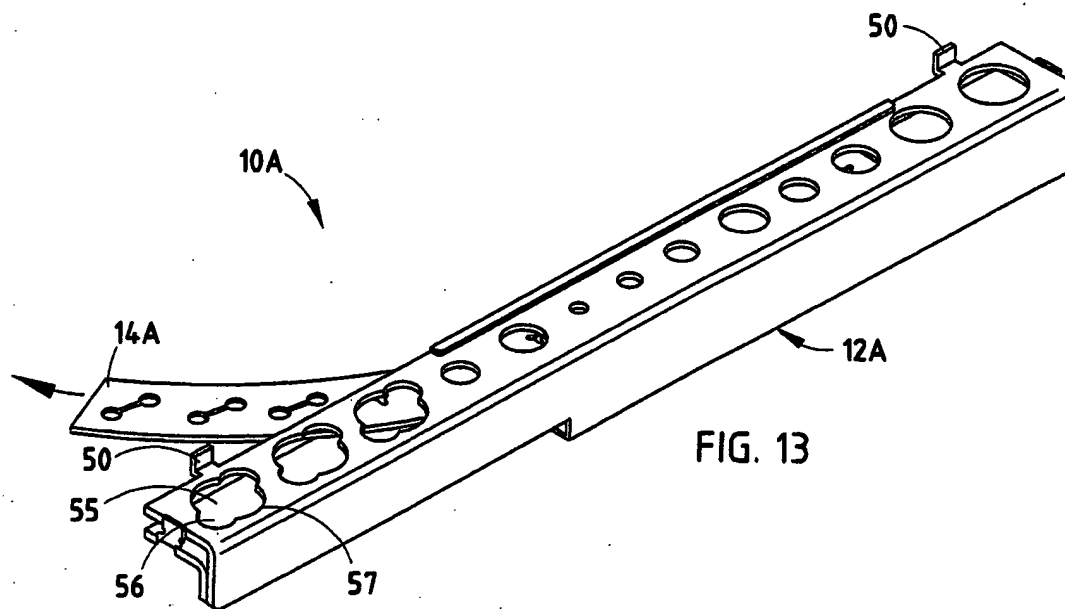


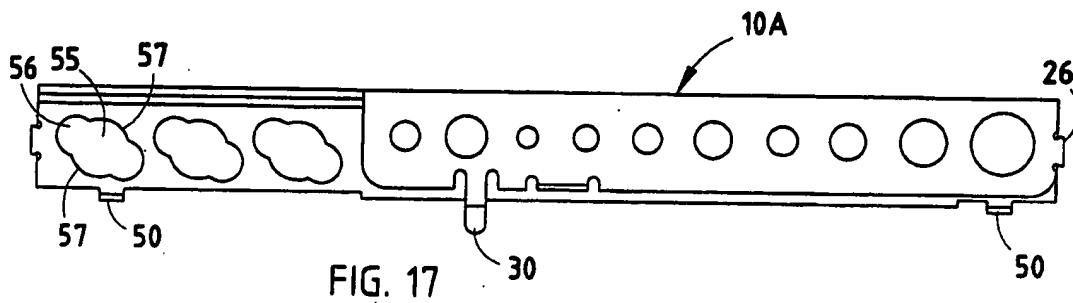
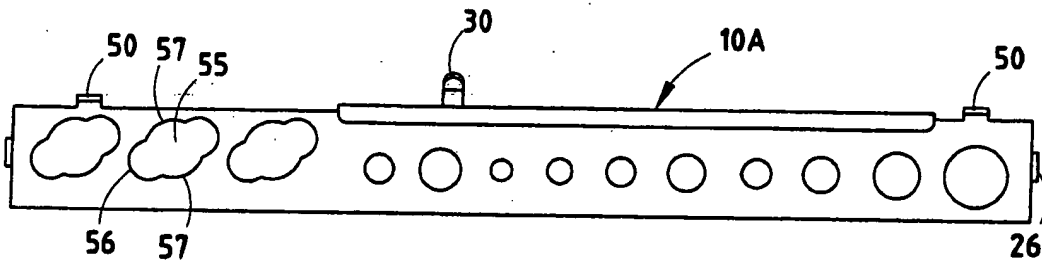
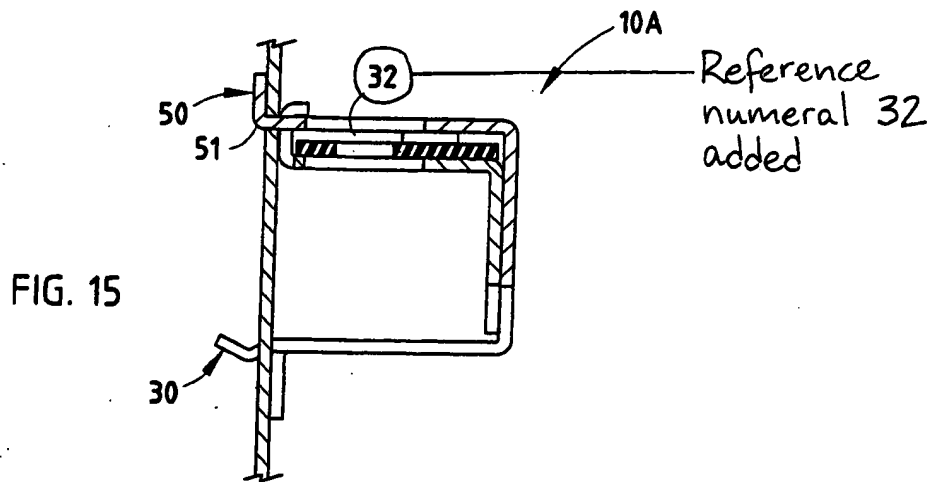
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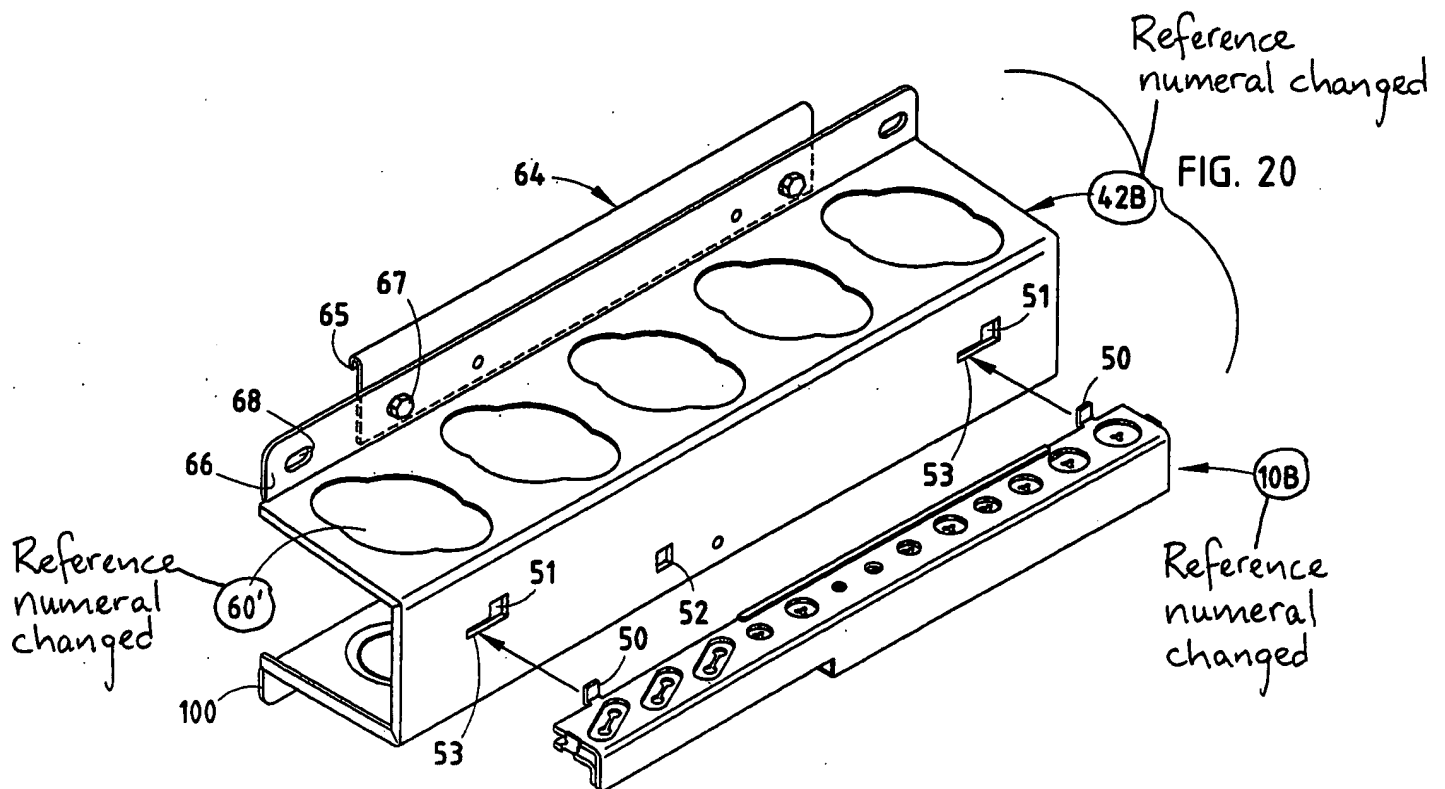
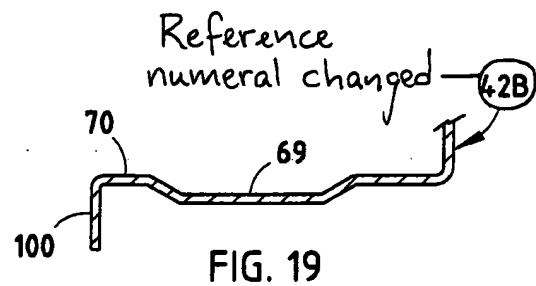
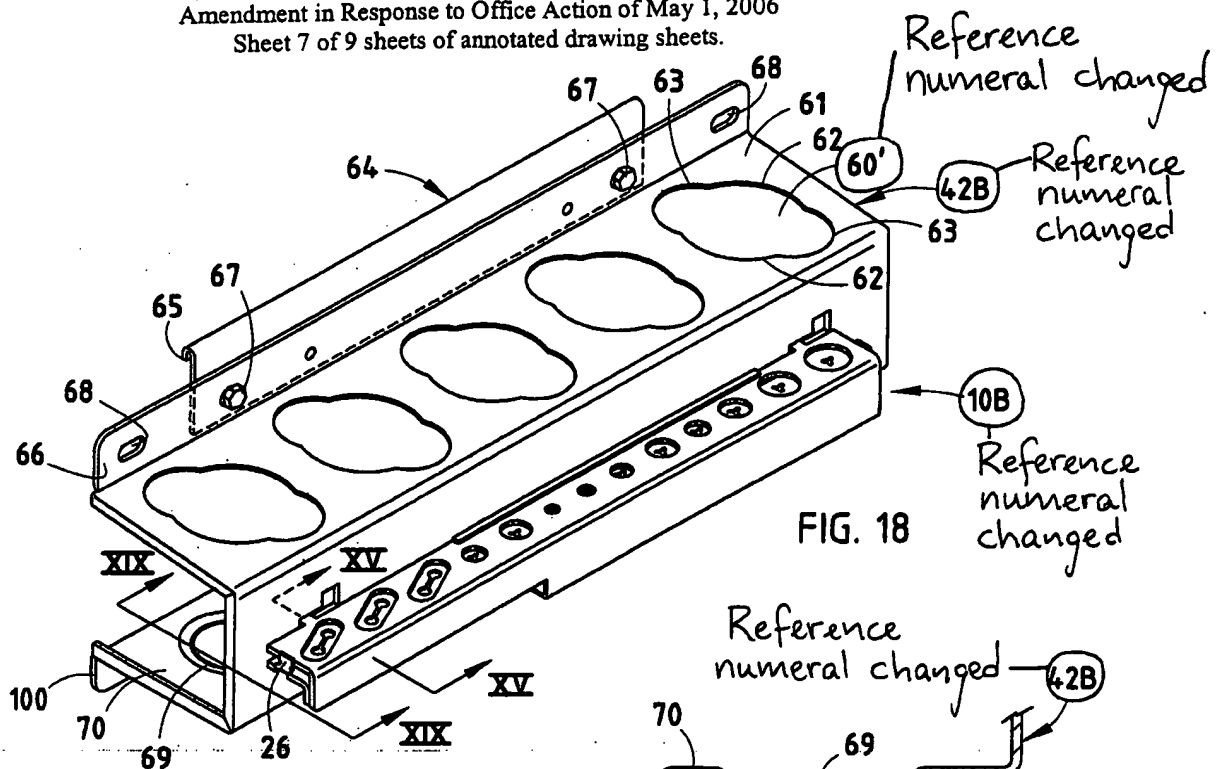












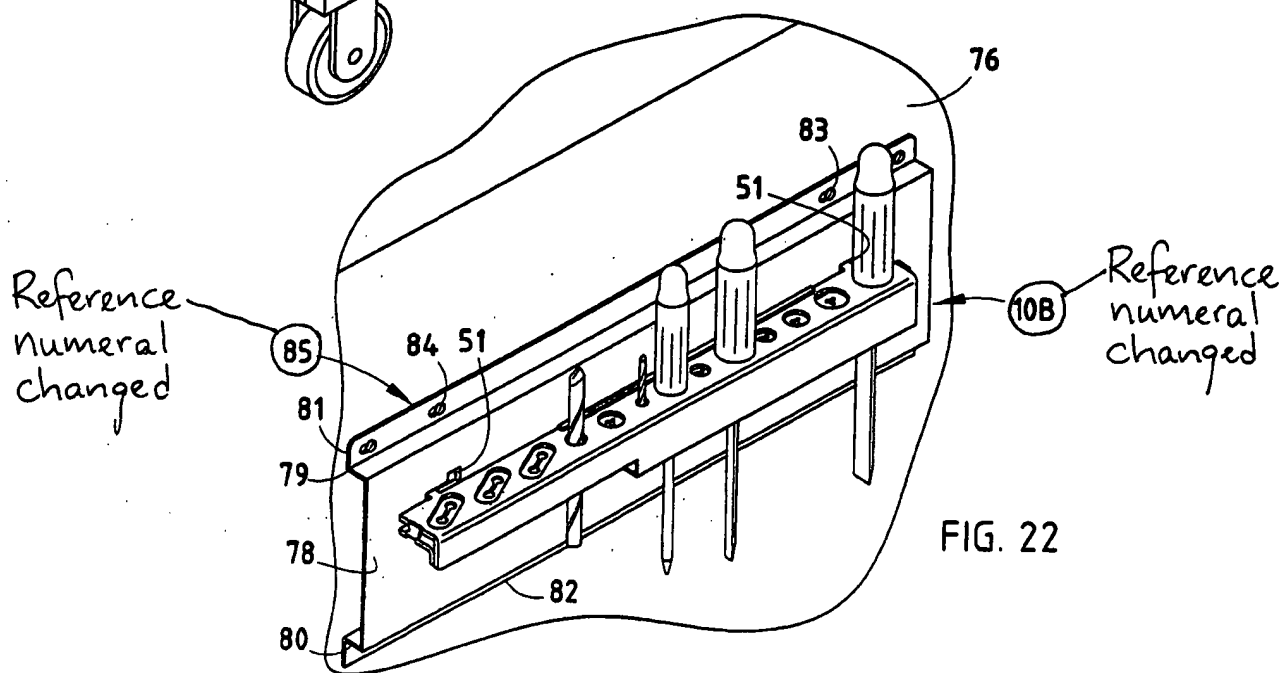
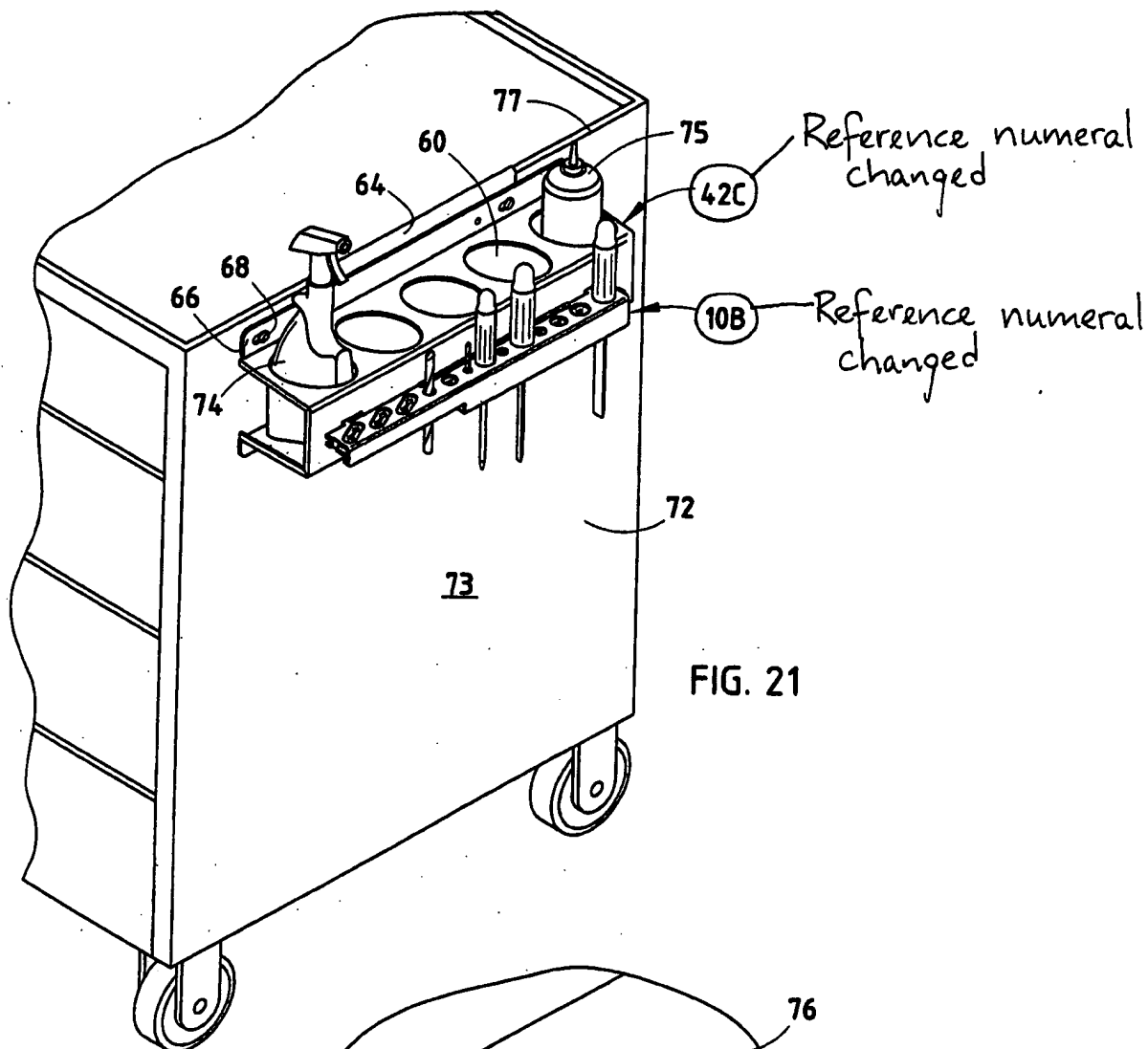


FIG. 21

FIG. 22

Reference numeral
changed

